



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

JUN 13 2013

TO: ENCLOSED SERVICE LIST

**RULING ON OBJECTION BY MONTEREY COUNTY WATER RESOURCE AGENCY TO
MAY 14, 2013 NOTICE OF RESCHEDULING OF PUBLIC HEARING REGARDING PROPOSED
REVOCATION OF PERMIT 11043 (APPLICATION 13225) OF MONTEREY COUNTY WATER
RESOURCES AGENCY, SALINAS RIVER, MONTEREY COUNTY**

On May 14, 2013, the State Water Resources Control Board (State Water Board) issued a Notice of Rescheduling of Public Hearing (Notice), notifying the public that the above subject hearing has been rescheduled to commence on Tuesday, August 13, 2013. The Notice also provided notification of changes or clarifications to the original November 21, 2012, Notice of Public Hearing (Original Notice) including the addition of a third key issue, Key Issue 3, related to the second key issue in the Original Notice. The Notice provided a deadline of May 23, 2013 to submit any objections to the Notice. On May 23, 2013, we received a letter from David Aladjem, on behalf of Monterey County Water Resources Agency (MCWRA), objecting to the addition of Key Issue 3 in the Notice.

MCWRA's objection incorrectly concludes that the addition of Key Issue 3 to the Notice implies that the State Water Board has adopted a position on what constitutes due diligence. Key Issue 3 is not intended to establish any legal standard for due diligence, nor is it derived from any Prosecution Team submittal. The issue is added to ensure that parties address directives from previous Board Orders on Application 13225. Specifically, State Water Board Order WR 82-13 orders that Permit 11043 (Application 13225) shall stand revoked and of no further effect if the conditions in paragraph 3 of the same order are not met. Order WR 82-13 provides an exception if the applicant petitioned and received approval of a time extension by a certain date. These items are relevant to Key Issue 2. Key Issue 3 is appropriately added to the Notice to ensure that Parties have the opportunity to address these items specifically. Parties are free to submit any and all other evidence and testimony regarding due diligence as they see fit. A pre-hearing conference on this topic is not necessary. MCWRA's motion to exclude Key Issue 3 is denied.

If you have any noncontroversial procedural questions, please contact Jean McCue at (916) 341-5351 or by email at jmccue@waterboards.ca.gov or Samantha Olson at (916) 327-8235 or by email at solson@waterboards.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Frances Spivy-Weber".

Frances Spivy-Weber
Hearing Officer and Vice-Chair

cc: Steven Moore, Hearing Officer and Board Member

Enclosure

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov

**SERVICE LIST OF PARTICIPANTS TO EXCHANGE INFORMATION:
MONTEREY COUNTY WATER RESOURCES AGENCY
PROPOSED REVOCATION HEARING**

**SERVICE LIST
(REVISED January 16, 2013)**

PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS, AND OTHER DOCUMENTS. (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

<p>MONTEREY COUNTY WATER RESOURCES AGENCY Kevin M. O'Brien 621 Capitol Mall, 18th Floor Sacramento, CA 95814 (916) 444-1000 kobrien@downeybrand.com daladjem@downeybrand.com</p>	<p>DIVISION OF WATER RIGHTS PROSECUTION TEAM David Rose State Water Resources Control Board 1001 I Street Sacramento, CA 95814 (916) 341-5196 DRose@waterboards.ca.gov</p>
<p>MARY ORRADRE, ET AL. Thomas Virsik Law Offices of Patrick Maloney 2425 Webb Avenue, Suite 100 Alameda, CA 94501 (510) 521-4575 pjmlaw@pacbell.net</p>	<p>MARINA COAST WATER DISTRICT Roger K. Masuda Griffith & Masuda, A Professional Law Corporation P.O. Box 510 Turlock, CA 95381 (209) 667-5501 rmasuda@calwaterlaw.com</p>
<p>SALINAS VALLEY WATER COALITION Nancy Isakson 3203 Playa Court Marina, CA 93933 (831) 224-2879 nisakson@mbay.net</p>	<p>MONTEREY COUNTY FARM BUREAU Norman C. Groot P.O. Box 1449 Salinas, CA 93902-1449 (831) 751-3100 norm@montereycfb.com</p>
<p>Kevin Piearcy P.O. Box 1355 Gonzales, CA 93926 (831) 679-2525 Pumph20101@hotmail.com</p>	